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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,155	12/20/2001	Stuart Goose	I12740-392	5596
29177	7590	04/08/2005	EXAMINER	
BELL, BOYD & LLOYD, LLC P. O. BOX 1135 CHICAGO, IL 60690-1135			HILLERY, NATHAN	
		ART UNIT	PAPER NUMBER	
		2176		

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/037,155	GOOSE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Nathan Hillary	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 07 March 2005.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-11 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-11 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

1. This action is responsive to communications: Amendment filed on 3/7/05.
2. Claims 1 – 11 are pending in the case. Claims 1 and 10 are independent.
3. The objection to the Specification has been withdrawn as necessitated by amendment.
4. The rejection of claims 1 – 11 under 35 U.S.C. 103(a) as being unpatentable has been maintained.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
2. Claims 1 – 5, 10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maes et al. (US006801604B2).
3. ***Regarding independent claim 1***, Maes et al. teach that a *web application server 125 and backend 126 provide the necessary pages (IML, VoiceXML, HTML, etc) and business logic/scripts for processing and retrieving data* (Column 19, lines 41 – 44), which provide for ***transmitting a structured document which is generated with a format-based editor to the WWW server; storing the structured document in the WWW server with an access information item***. Maes et al. also teach that *the application framework illustrated in FIG. 3c comprises an XML-based FDM application*
34. *The application 34 comprises a VoiceXML browser 35, a DOM (document object*

*model) layer 36 (that provides at least access to the interaction events and allows update of the presentation (through page push or DOM mutation), a wrapper layer 37 a multi-modal shell 38 and FDM 39. In this framework, the FDM 39 uses the VoiceXML browser 35 for audio I/O management and speech engine functions. Following a Web programming model, the FDM 39 submits messages for backend calls and scripts. The multi-modal shell 38 supports launching of objects or managing the forms and sending snippets to the VoiceXML browser 35. It provides the line between the VoiceXML browser 35 and the FDM 39 for audio I/O and engine management (Column 11, line 66 – Column 12, line 13), which provide for **transferring the structured document to the information host computer when structured documents are accessed via the speech-based browser and the access information is present; analyzing the structured document in the information host computer**. Maes et al. do not explicitly teach **modifying instructions** ... However, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify and/or use the invention of Maes et al. to provide for **modifying instructions for graphic structuring into instructions for an audible output form in the structured document**, since Maes et al. teach *systems and methods for conversational computing* (Abstract) and the skilled artisan wants to fully utilize the capabilities of the VoiceXML browser disclosed by Maes et al., giving the user an audio output from an XML web page.*

4. **Regarding dependent claim 2**, Maes et al. teach that *an exemplary proxy framework is shown in FIG. 17, wherein a thin terminal 150 (having a audio I/O web service with simplified or optimized API or protocol communicates with a web service*

152 (engine web service) through a proxy 151 (Column 25, lines 18 – 22), which provide that ***the information host computer has functions of a proxy server.***

5. ***Regarding dependent claim 3,*** Maes et al. teach that *instead of wrappers, it is possible to use other interfaces or mechanisms that rely on the same principles. For example, it is possible to load in the user agents (or in the pages) an ECMAScript library that capture DOM events that result from the user interaction and handle them by sending them to the multimodal shell* (Column 12, lines 60 – 65), which provide that ***the structured document is generated with an integration of at least one of software libraries and references to the software libraries.***

6. ***Regarding dependent claim 4,*** Maes et al. teach that *preferably, a mechanism is employed to immediately identify if an end-point supports the default codec and scheme or not. Further, a mechanism is preferably employed to describe arbitrary (i.e. non default and non-parameterized) DSR schemes (e.g. XPath namespace conventions) (see the proposed naming convention above)* (Column 38, lines 58 – 63), which provide that ***conventions defined by the format-based editor for references to at least one of structured documents and files within a structured document are necessary when editing the structured document.***

7. ***Regarding independent claim 5,*** Maes et al. teach that *a web application server 125 and backend 126 provide the necessary pages (IML, VoiceXML, HTML, etc) and business logic/scripts for processing and retrieving data* (Column 19, lines 41 – 44), which provide that ***the instructions in the structured document which is stored in the WWW server are in HTML format.***

8. ***Regarding independent claim 10***, the claim incorporates substantially similar subject matter as claim 1, and is rejected along the same rationale.

9. ***Regarding dependent claim 11***, the claim incorporates substantially similar subject matter as claim 2, and is rejected along the same rationale.

10. Claims 6 – 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maes et al. (US006801604B2) as applied to claims 1 – 5, 10 and 11 above, and further in view of Hamada et al. (US 20020078105A1).

11. ***Regarding dependent claims 6 – 9***, Maes et al. do not explicitly teach ***converting***. However, Hamada et al. do teach that *a mechanism for carrying out the structurally equivalent HTML-XML conversion by using HTML-DOM (Document Object Model) and XML-DOM at a time of extraction is introduced. Using this, the HTML document can be handled as the XML document so that all the processings can be carried out with respect to the XML* (page 5, paragraph 0078, lines 12 – 17), which provide that ***the instructions of the structured document are converted into instructions in XML format in the information host computer***, that ***for the conversion of the instructions from the HTML format into the XML format, an analysis device converts the instructions in the HTML format into objects using an HTML-DOM programming interface***, that ***a transformation device exchanges objects with the analysis device and converts the objects into the instructions in the XML format using an XML-DOM programming interface to a structured document based on XML instructions***, and that ***library files are used in the***

*conversion of the objects by the transformation device.* It would have been obvious to one of ordinary skill in the art to combine the invention of Maes et al. with that of Hamada et al. because such a combination would provide the users of Maes et al. with the benefit of a *document editing method for editing parts of contents of one or a plurality of first documents described by any markup language on a World wide web (WWW) in Internet into a second document described by a specific markup language on the WW* (page 2, paragraph 0032, lines 2 – 5).

#### ***Response to Arguments***

12. Applicant's arguments filed 3/7/05 have been fully considered but they are not persuasive.
13. In response to applicant's argument that *the Office Action equated the web application server (Fig. 11, 125) and the backend logic (Fig. 11, 126) as being identical to the host information computer* (p 7, lines 12 – 14) and that *there is no distinct host information computer* (p 7, line 19), it should be noted that applicant is mistaken in his/her interpretation of the office action. The Office did not equate the web application server (Fig. 11, 125) and the backend logic (Fig. 11, 126) as being identical to the host information computer as suggested by the applicant. It is advised that the rejection under 35 USC 103(a) be reread for better understanding. Instead, the Office action suggests that the web application server (fig 11, 125) of Maes et al. is synonymous to the WW server claimed by applicant. Furthermore, Maes et al. teach that *the system further comprises a plurality of speech servers (or speech engines)*,

*which may reside on the same host or different hosts in the network* 13 (Column 8, lines 15 – 17), which is synonymous to the distinct host information computer claimed.

14. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., there is no alternative to process a web page in this host depending on an information item stored in the page file) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

#### ***Conclusion***

15. ***THIS ACTION IS MADE FINAL.*** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Hillery whose telephone number is (571) 272-4091. The examiner can normally be reached on M - F, 10:30 a.m. - 7:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NH



JOSEPH FEILD  
SUPERVISORY PATENT EXAMINER